HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 66 of 2004 (SS)

Sri Munna ……. Petitioner

Versus

State of Uttaranchal & State ……. Respondents

Sri T.A. Khan, Advocate for the petitioner.
Sri Sharad Sharma, Advocate and Standing counsel for the respondents.

Dated: 17.04.2004.

Hon'ble Rajesh Tandon, J.

Heard the learned counsel for the parties.

By the present writ petition the petitioner has prayed for the issue of a writ in the nature of mandamus directing the respondents to pay post retirement benefits in favour of the petitioner.

Briefly stated the facts giving rise to the present writ petition are that petitioner was posted as Safai Nayak in Nagar Palika, Nainital and was retired after superannuation on 31.10.2002. The petitioner has submitted that despite of several requests the petitioner has not been paid retirement benefits. In paragraph 6 of the writ petition the following facts were stated:

That as per the assessment of the petitioner, the petitioner is entitled to get an amount detailed as under:

A-	*Pension for the period of 15 months Since the date of retirement till the Date of writ petition.*	*15,000.00*
B-	*Amount of Gratuity*	*83,000.00*
C-	*Provident Fund*	*71,000.00*

In paragraph 9 of the counter affidavit the following averment has been made by the respondent:

"That the contents of para 13 of the writ petition are not admitted as wrongly stated by the petitioner, hence denied. However, it is to be clarified tat Nagar Palika Parishad Nainital vide its letter No. 4042/XV (89) dated 22.1.2004sent the pension file of the petitioner getting it amended to the Directorate, Treasury and Financial Services 8-A, Banglai Mohallla, Kashipur, Dehradun, which was received by the Directorate on 6th February 2004 and the respondents no..2 vide its letter no. 417 dated 16.2.2004 confirming the amended file has already sent to the Chairman/Executive Officer, Nagar Palika Parishad, Nainital alongwith the copy to the learned Commissioner, Kumaon Mandal, Nainital and a copy to the petitioner also."

On 11.2.2004 order was passed by this Court where Sri Sharad Sharma has submitted that Nagar Palika, Nainital has already recommended post retirement benefits in favour of the petitioner to the respondent no. 2.

The Court has passed the following order on 11.2.2004:

"The respondent shall show cause within three weeks. Sri Sharma submitted that the Nagar Palika Parishad, Nainital has already recommended the post-retiral benefits to the respondent no.2 on 16.9.2003 (Annexure-5 to the writ petition)"

The respondents are, therefore, directed to pay retirement benefits to the petitioner within a period of 6 weeks after the receipt of the certified copy of this order.

The writ petition is accordingly allowed. No order as to costs.

Sd/-

17.04.2004
Dhyani